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August 15, 2008

BY E-MAIL AND REGULAR MAIL

Kelly G. Keenan, Esq.
Legal Counsel to the Governor
111 S. Capitol Ave,
Lansing, MI 48909

Re; Petition and Charges against the
Honorable Kwame M. Kilpatrick

Dear Mr. Keenan,

As we earlier indicated in our first letter of this date, we find this scattergun method of resolving disputes to be confusing and hap hazard. Nonetheless, we believe that it is necessary to respond to Ms. McPhails latest blast. We will attempt to be succinct.

First - the issue before the Governor has nothing to do with “verbal policies.”

The Charter explicitly states, in a variety of ways set forth in the Petition, that he can’t use his office and public trust to cover up private affairs and that he is to make a full disclosure to the Council. These principles are so basic as to be clear law in this state and elsewhere. It is factually disputed, but we are confident that we will establish, that the confidentiality agreement in *this case*, (*Brown/Harris/Nelthrope*) was unique. We will show, and respondent will be unable to show, that there was ever a settlement by the City of Detroit under circumstances. Apparently, Ms. McPhail plans to testify in support of her factual assertions in her letter. I certainly hope to be able to cross examine her. The fact is that factual dispute requires factual resolution at the Governor’ hearing.

Second – her analysis of the *Baxter*, *Lefkowitz* and *Gardner* cases does not address the points for which we cited them or their pertinent distinctions that we raised. I will leave you and the Governor to your own reading of those cases to determine who is correct.

Third – Ms. McPhail missed the point for which we cited *Dullam v. Willson*, that being that a pending criminal case in no way prevents a removal proceeding by the governor.

Once again, thanks again.

Respectfully,

/S/

William Goodman
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cc: Sharon McPhail, Esq.; James Thomas, Esq.